

UNITED STATES DISTRICT COURT

For the
Middle District of Georgia
Macon Division

THOMAS ALAN GRIFFIN,

Plaintiff

Vs

**Brad Freeman Sheriff Monroe
County, Enrique Hogan, Deputy
Monroe County Sheriff's Office, and
Christopher Sherrell Deputy Monroe
County Sheriff's Office,**

Defendants

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Case No. _____

Jury Trial Requested

PLAINTIFF'S ORIGINAL COMPLAINT

COMES NOW Plaintiff and sues Defendants as follows:

A. Parties

1.

Plaintiff is an individual resident of the State of Georgia.

2.

Defendant Brad Freeman the Sherriff of Monroe County and may be served at 145 L.
Cary Bittick Drive, Forsyth Georgia 31029.

3.

Defendant Enrique Hogan is a Monroe County Sherriff's Deputy and may be served at 145 L. Cary Bittick Drive, Forsyth Georgia 31029.

4.

Defendant Christopher Sherrell is a Monroe County Sheriff's Deputy and may be served at 145 L. Cary Bittick Drive, Forsyth Georgia 31029.

B. Jurisdiction

The basis of jurisdiction – 42 U.S.C. § 1983, Excessive Force.

C. Conditions Precedent

5.

All conditions precedent have been performed or have occurred.

D. Facts

6.

The injuries to the Plaintiff were significant, substantial, and severe. The Plaintiff suffered a broken right Humerus which had to be repaired with a plate and screws. The Plaintiff also suffered a 2 cm right-sided ureteral calculus where he had to have a right ureteral stent placement. On November 24th, 2023 at or about 19:43 on State Road 401 South at its intersection with Pate Road. Plaintiff was fleeing from law enforcement with a passenger on his motorcycle. The Plaintiff was wearing a helmet, but the passenger was not. Deputy Enrique Hogan and Deputy Chritopher Sherrell, obtained the license plate of the Plaintiff and his identity. Nevertheless, both officers engaged in a high-speed chase to arrest the Plaintiff. The chase reached up to 130 mph endangering citizens, the Plaintiff and the Plaintiff's passenger. Deputy

Defendant Enrique Hogan is a Monroe County Sherriff's Deputy and may be served at 145 L. Cary Bittick Drive, Forsyth Georgia 31029.

4.

Defendant Christopher Sherrell is a Monroe County Sheriff's Deputy and may be served at 145 L. Cary Bittick Drive, Forsyth Georgia 31029.

B. Jurisdiction

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The injuries to the Plaintiff were significant, substantial, and severe. The Plaintiff suffered a broken right Humerus which had to be repaired with a plate and screws. The Plaintiff also suffered a 2 cm right-sided ureteral calculus where he had to have a right ureteral stent placement. On November 24th, 2023 at or about 19:43 on State Road 401 South at its intersection with Pate Road. Plaintiff was fleeing from law enforcement with a passenger on his motorcycle. The Plaintiff was wearing a helmet, but the passenger was not. Deputy Enrique Hogan and Deputy Chritopher Sherrell, obtained the license plate of the Plaintiff and his identity. Nevertheless, both officers engaged in a high-speed chase to arrest the Plaintiff. The chase reached up to 130 mph endangering citizens, the Plaintiff and the Plaintiff's passenger. Deputy

Enrique Hogan and Deputy Christopher Sherrell boxed the Plaintiff against the left median wall of wire, Deputy Christopher Sherrell hit the Plaintiff's motorcycle with the rear of his patrol car causing the motorcycle to wreck and to catapult the Plaintiff and the passenger from the motorcycle. Killing the passenger.

7.

Plaintiff was arrested by Deputy Christopher Sherrell and Deputy Enrique Hogan, who were acting within the course and scope of their employment as Deputies for the Monroe County Sheriff's Department.

8.

The Defendant Monroe County's Sheriff's Deputy Christopher Sherrell used unreasonable, unnecessary, and excessive force while arresting the Plaintiff by acting with reckless disregard of the Monroe County pursuit procedures when he engaged in a high speed pursuit because the pursuit of the fleeing driver was initiated based on a minor traffic violation and hit the plaintiff's motorcycle.

9.

The Defendant Monroe County's Sheriff's Deputy Enrique Hogan used unreasonable, unnecessary, and excessive force while arresting the plaintiff when he acted with reckless disregard of the Monroe County pursuit procedures in continuing a high-speed chase of the fleeing driver because the pursuit of the fleeing driver was initiated based on a minor traffic violation.

10.

At the time of the arrest, Defendant Deputy Christopher Sherrell and Defendant Deputy Enrique Hogan were acting under color of the laws and regulations of the State of Georgia, and the Monroe County Sheriff's Office. Defendant Monroe County Sheriff Brad Freeman, had a policy, Monroe County Sheriff's Office Policy and Procedure, vehicle pursuits/road blocks/ Forcible Stops/Pit Maneuver Policy #: 0-111 in place that enabled its agents and employees to act with deliberate indifference to the constitutional rights of individuals. The Monroe County Sheriff's Office Policy and Procedure, vehicle pursuits/road blocks/ Forcible Stops/Pit Maneuver Policy #: 0-111 tolerates misconduct by its police officers, encouraging misconduct by failing to adequately supervise, discipline, or train.

E. Count 1 – Violation of Constitutional Rights

11.

The exercise of these established policy violated the Plaintiff's clearly established rights under the United States Constitution to freedom from the use of unreasonable, unnecessary, and excessive force.

F. Count 2 – 42 U.S.C. § 1983 Against Individual Defendant

12.

The Deputy Christopher Sherrell acted willfully, deliberately, maliciously, or with reckless disregard for Plaintiff's constitutional rights.

G. Count 3 – State Law Claim O.C.G.A. 40-6-6(d)

13.

Plaintiff was arrested by Deputy Christopher Sherrell and Deputy Enrique Hogan, who were acting within the course and scope of their employment as Deputies for the Monroe County Sheriff's Department.

14.

The Defendant Monroe County's Sheriff's Deputy Christopher Sherrell used unreasonable, unnecessary, and excessive force while arresting the Plaintiff by acting with reckless disregard of the Monroe County pursuit procedures when he engaged in a high speed pursuit because the pursuit of the fleeing driver was initiated based on a minor traffic violation and hit the plaintiff's motorcycle.

15.

The Defendant Monroe County's Sheriff's Deputy Enrique Hogan used unreasonable, unnecessary, and excessive force while arresting the plaintiff when he acted with reckless disregard of the Monroe County pursuit procedures in continuing a high-speed chase of the fleeing driver because the pursuit of the fleeing driver was initiated based on a minor traffic violation.

16.

At the time of the arrest, Defendant Deputy Christopher Sherrell and Defendant Deputy Enrique Hogan were acting under color of the laws and regulations of the State of Georgia, and the Monroe County Sheriff's Office. Defendant Monroe County Sheriff Brad Freeman, had a policy, Monroe County Sheriff's Office Policy and Procedure, vehicle pursuits/road blocks/ Forcible Stops/Pit Maneuver Policy #: 0-111 in place that enabled its agents and employees to act with deliberate indifference to the constitutional rights of individuals. The Monroe County

Sheriff's Office Policy and Procedure, vehicle pursuits/road blocks/ Forcible Stops/Pit Maneuver
Policy #: 0-111 tolerates misconduct by it's police officers, encouraging misconduct by failing to
adequately supervise, discipline, or train.

I – Damages

17.

As a direct and proximate result of the officers' the Plaintiff suffered the following
damages:

- a. Medical expenses in the past and future.

Atrium	\$75,989.24
Piedmont Henry Hospital	\$69,627.93
Airvac EMS	\$54,941.00
Summit Radiology	\$299.00
Radiology Associates of Macon	\$2,304.75
Piedmont Orhopedics OrthoAtlanta Stockbridge	\$453.45
Urology of Greater Atlanta	\$90.04
Monroe County Hospital-Forsyth Emergency Physicians	\$4,787.00
South Geogia Radiology Associates	\$1,141.00
North American Partners in Anesthesia	\$1,156.38
Urology Specialists of Georgia	\$1,136.00
TOTAL	\$211,925.79

- b. Physical Pain and mental anguish in the past and the future.
c. Pain and suffering.

J. Attorney Fees

18.

It was necessary for Plaintiff to hire the undersigned attorney to file this lawsuit. Upon Judgment, Plaintiff is entitled to an award of attorney fees and costs under 42 U.S.C. § 1988(b).

K. Prayer

19.

For these reasons, plaintiff asks for judgment against the defendants for the following:

- a. Actual special damages of \$211,925.79.
- b. Pain and suffering of \$1,000,000.00
- c. Cost of suit, including attorney fees.
- d. All other relief the court deems appropriate.

This 16 of January 2025.

Respectfully submitted,

Nicola Cummings Law Firm

By 

Charles Mann

Georgia Bar No. 366394

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McDonough GA 30253

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OF COUNSEL

Nicola Cummings Law Firm

ATTORNEY IN CHARGE FOR
PLAINTIFF, THOMAS ALAN GRIFFIN

VERIFICATION

STATE OF GEORGIA
COUNTY OF HENRY

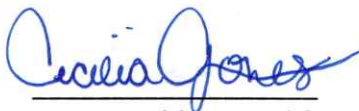
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On this day, Charles Mann, appeared before me, the undersigned notary public. After I administered an oath to him, upon his oath, he said that he read the Plaintiff's Original Complaint for Thomas Alan Griffin and that the facts stated in it are within his personal knowledge and are true and correct.



Charles Mann

SWORN TO and SUBSCRIBED before me by Nicola Cummings on the 16th day of January 2025.



Notary Public in and for
The State of Georgia